

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CAROLINE SMITH-FLATOW,  
Plaintiff,

-V-

CHICAGO POLICE OFFICERS  
S. REYES (Star #17832),  
L. WISE (Star #15647),  
and the CITY OF CHICAGO  
Defendant-Appellant.

No. 08 C 0647

Judge Der-Yeghiayan

Magistrate Judge Denlow

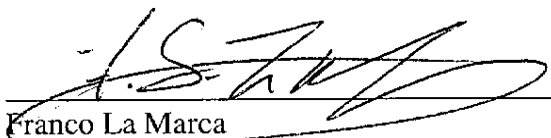
**AFFIDAVIT OF FRANCO LA MARCA, ATTORNEY WITH ERICKSON AND  
OPPENHEIMER, PC  
ATTORNEYS FOR PLAINTIFF**

1. My name is Franco La Marca, I am an attorney working for Erickson and Oppenheimer, PC, who represents the Plaintiff and I am assigned to her case.
2. I reside at 6147 N. Sheridan Rd., #6B, Chicago, Illinois 60660.
3. I have had the responsibility of attempting to serve Officer L. Wise with the support of our office support staff.
4. I filed the Complaint in this case on January 30, 2008. On the same date, our office sent a Waiver of Summons and copy of Complaint was sent to Officers L. Wise and S. Reyes at the City of Chicago Police Department (CPD) address, 3510 S. Michigan Ave.
5. On March 3, 2008 our office received a letter from the City of Chicago Department of Police stating: "Unfortunately the Office of Legal Affairs cannot facilitate service upon L. Wise, Star 15647, because Officer Wise is on Military Leave/Enduring Freedom (July 20, 2007)." It goes on to say, "Please contact Mrs. Emerald Yancy or Sergeant Matt Brady, if you have questions or concerns."
6. Our office made numerous phone calls to the CPD and left numerous messages for Mrs. Emerald Yancy and Sergeant Matt Brady asking what branch of the military is Officer Wise serving in and when he will return from active duty. Neither individual returned

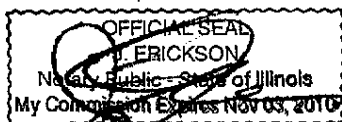
our calls with the information nor have they been available to speak to or anyone else in our office.

7. On March 22, 2008 I spoke with an individual in personnel that was uncooperative and after counsel's numerous requests finally stated Officer Wise serves in the Navy.
8. On the same date above, our office spoke to a representative of the Naval Legal Services Office North Central who explained Officer Wise is stationed at Naval Station Newport in Rhode Island and to send the Waiver of Summons to the Naval Station and address it to "Officer In Charge." Per such directions, Waiver of summons was sent to said Naval Station on March 22, 2008.
9. Our office contacted Naval Legal Services at the Naval Station Newport that stated they had no knowledge of the waiver of summons and instructed counsel's office to contact Personnel Support Dispatch. After leaving several messages, we have been unsuccessful in contacting anyone at said Dispatch.
10. On March 29, 2008 our administrative support left a message for Ms. Yancy at the CPD asking when Officer Wise would be returning, and again, received no response.
11. I spoke with Ashley Kosztia and asked whether she and her office would accept service for Officer L. Wise given the fact she is assigned to represent the second Chicago Police Officer, Defendant S. Reyes. Ms. Kostia explained it was against the policy of her office to accept service.
12. We have been unable to serve Officer L. Wise.

I swear that the above information is a true and accurate representation of the facts as to the best of my knowledge.

 June 2, 2008  
Franco La Marca Date

Signed, and sworn to me on the 2 of June 2008,



Notary